

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

Amendment to Claims

Applicants have amended Claims 1, 10 and 20 to clarify the nature of the turner/diverter and create consistency with the specification which describes and designates the turner/diverter as a single device 130.

Applicants have further amended Claim 1 to include that the controller is adapted to electronically coordinate the movement of the feed drum, the jaw drum and the turner/diverter device so that an actual position of each of the feed drum, the jaw drum and the turner/diverter device corresponds with a commanded position of each respective device. This amendment is supported at pages 26 and 27 of the specification. Finally, Applicants have incorporated objected to but allowable Claim 6 into Claim 1 and correspondingly canceled Claim 6.

Applicants have amended Claim 9 to include the limitation of Claim 16, namely "a motor connected with the jaw drum, the motor automatically adjusting a distance between each jaw pair of the plurality of jaw pairs within the jaw drum to apply the flexible carrier stock to different carrier or container configurations" and the

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requirement that the controller and the electronic drive are adapted to coordinate the movement of the feed drum and the jaw drum “in a manner dependent on a carrier or container configuration.”

Applicants have amended Claim 19 to include the limitations of Claims 22 and 23, namely “a cam positioned in the jaw drum for adjusting a distance between each jaw pair within the jaw drum and one or more motors with feedback connected with the cam for changing a physical configuration of the jaw drum based upon a size of the plurality of containers or a configuration of packages desired” and further added the limitation that the electronic drive connected with respect to the feed drum and the jaw drum coordinates the movement of the feed drum and the jaw drum “based upon the size of the plurality of containers or the configuration of packages desired.”

Applicants have canceled non-elected Claims 25-34. Applicants have added new Claims 35-43. Applicants have placed objected to but allowable dependent Claim 11 into independent form as new Claim 35 including all the limitations of base Claim 9. Claims 36-43 correspond generally with dependent Claims 10 and 12-18. Applicants urge that Claims 36-43 are in allowable condition. Applicants urge that the newly added claims are supported in the specification and, accordingly, no new matter has been presented through this Amendment.

Interview Summary

Applicants thank the Examiner for his time during a telephone interview on 17 February 2005. Applicants note that the Examiner indicated Claims 1-8 and 35-43 are in allowable form, pending a possible double patenting rejection over Moore et al., U.S. Patent 6,588,173.

The Examiner further indicated that Claims 9 and 19 may require an additional search and/or inquiry. Applicants noted that the cited art, particularly Schlueter, U.S. Patent 3,991,640, does not teach the invention claimed in independent Claims 9 and 19 requiring, in part, a controller and an electronic drive adapted to coordinate the movement of the feed drum and the jaw drum in a manner dependent on a carrier or container configuration. Instead, the Schlueter Patent teaches at Cols. 1 and 2 timed relationships between various packaging machine components that require, in part, adjustment of circumferential spacing of knives within a knife assembly and "close indexing" between the star wheels and the center file cutting mechanism. In fact, at Col. 2, lines 39-47, the Schlueter Patent teaches that close indexing between the star wheels and the center file cutting mechanism is "more important" than exact indexing between the cutting mechanism and the carrier stock

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applying mechanism. The Schlueter Patent further explains that such an indexing hierarchy is acceptable because "the carrier stock applying mechanism may be slightly ahead or slightly behind in timing relative to the cutting mechanisms without any bad effect on the operation of the machine." Such a preferential indexing scheme is exactly what the claimed invention avoids by precisely controlling relationships among the claimed components.

In addition, the claimed invention permits coordination of the movement of the feed drum and the jaw drum in a manner dependent on a carrier or container configuration. The Schlueter Patent does not teach or suggest such a configuration-dependent coordination between and among the components of the packaging machine. As such Applicants urge that the Schlueter Patent does not teach or suggest the invention claimed in Claims 9 and 19.

Request for Telephone Interview

Applicants urge that the subject U.S. patent application is in condition for allowance. Applicants respectfully request that the Examiner contact the undersigned to discuss any open issues.

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Conclusion

Applicants believe that the above Amendment places the subject U.S. patent application into allowable form and early allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "KIDEIK", written over the typed name.

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